G. R. S. IX-5]

Previous references

192C.

File No. 579-20

Serial Nos. 1 6

(...urzai)

Later references.

Mg 330-26 26-38

39, 40, 43 & 44

115-43-1-2

GENERAL AND REVENUE SECRETARIAT.

Retain

Serial Nos.

Part B for April 22

SUBJECT.

Petition from Mr. B. Krishna Singh of Belur, praying for a permanent lease to him of the house built on a land endowed to the Sri Channakeshava Swamy temple. Belur

~~Mr. B. Krishna.~~

Petitioner no 5868 of 20-4-22

Rejects me ——

WD 1888—GPB—16,826—23-7 21

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

2408
SL

Petition 14th May 1921 from
Mr B Kanshna Singh, Retired
Asstl Collr, Belur, appeal-
ing against the order of the
Dt. Magistrate, Howrah,
declining to issue to
him a permanent
licence endorsed by him
to the Sub Chamakdanga
Sarang at the place.
The petition is insuffi-
ciently stamped. Submd
for orders
C.S.
7/6/21

Petn being insufficiently stamped"

See 2

2 Submd on the Petn Petn the Petn being insufficiently stamped, may be kindly rejected
RL
7.6.21

3. [illegible]
SL

Rl 2-4392 one out - to High Court
D. 10.6.21. 20 Jun. Continuing
Returns

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G. R. S. III-21

General and Revenue Secretariat.

File No. 579 of 19

Serial No.	
46-3	Communication dated 13th June 1921, from Mr. B. Krishna Singh, Bhadra Lodge, Berhampore returning the petition proper by stamps

4. Mr. Krishna Singh, the petitioner, appeals against Order No. 452-18 dated 17th December 1920, in the matter of the lease of certain house endowed by him for certain alms on the New year's day at the Sri Bhavani Kesharamtswamy Temple at Berhampur.

5. If approved, the petition will be forwarded to the Deputy Commissioner, Berhampur District, for report, with records.

6. A copy of the G.O. limiting the lease of inam lands to about five years at a time is submitted.

7. Report with records may be called for.

8. To G.O. dated 2/7/21

NOTE—Contn. sheet.

. R. S. III-2]

General and Revenue Secretariat.

File No. 579 of 1920

Serial No.	
4	No. 968/12-7-1901. To the Deputy Comr. Hassan Distt., Forwards the petn. for submission of a report with connected records
5	From the D. C. Hassan., letter no. 10-21/H.C &10-1-22. Reports that the appellant Krishna Singh first intended to transfer the building called the Bhadra Lodge to the temple and afterwards wanted to enjoy the land transferred to the temple by Kare Dodda; that in several petitions he has stated that he obtained permission of Mr Wetherall, the then Dy: Comr to erect the house and when called upon to produce the order, he has not been able to do so till now. The ver: papers on the subject have been gone through and they bear out the facts as reported in the Dy: comrs letter. In Gr. O. no. 577-25/Mhg 115-16-8 &29-8-17 it has been directed that the prevailing practice of leasing lands belonging to

NOTE—Contn sheet

Serial No.

Muzrai institutions for indefinite periods should be put a stop to at once and that no leases should ordinarily be granted for more than 5 years at a time.

11. ~~This~~ under this order, the building erected by Krishnasingh on the land gifted away to the temple by Karedodda has been leased out for a period of 10 years, as a matter of concession to Krishnasingh, and Krishnasingh contends that the order is applicable only to lands and not to houses and he also lays stress on the word ordinarily used in the G.O., and prays for the perpetual lease of the house to him. The D.C. does not appear to be in favor of this.

Subd for orders.

sd
2.2.22

Sd
9/2/22

12. Let the land be leased in Mirasi as usual after getting from him the whole rent.

Sd
9.2.22

13. Subd in person on 14.2.22.

sd
14/2/22

NOTE—Contn' sheet.

G. R. S. III-2]

General and Revenue Secretariat.

Mis. File No. 579 of 1920

Serial No.

14. From the Amildar's report (Sl. 5 of the ver: records) it will be seen that Rs 6/- were recd on 3-9-09 from Mr. Krishna Singh as rent for the house for 6 months from March to Augt 09-
(Sl 6) Asstt Comrs report shows that Rs 6 and again Rs 10 for 10 months ~~is~~ are reported to have been credited to the Treasury on 2.2.11.

15. (Sl 8) of the ver: correspondence - Mr. Krishnasingh has stated that he has reserved ~~the rent~~ the amount due to the temple, at Re1/- per. month, ever since he left Belur & that he would pay it -
(Sl 9 of the ver: correspondence)

16. The temple parpattegar has reported that the land endowed by Kare Dodda has not been entered in the temple accounts & no rent either in kind or cash has been recd by the temple there for.

subd
SD.
15/2/22

15/2/22

17 To the Mis Mysore

Mysore 15/2/22

~~Typed note subd~~
SD
15.2.22

NOTE—Contn sheet.

G. R. S. III-2

General and Revenue Secretariat.

Mis File No. 579 of 1920

Serial No. 6

From Mr Krishna Singh, retired Amildar, letter dt 24-2-1922

~~Requ~~ Refers to his personal representations to the secretary in the matter & prays for just & reasonable orders -

Requests that he may be treated in the same manner as others who are living in houses built on temple lands in Belur & states that he is prepared to pay land assessment, as well as house rent.

The note has been typed & submd as directed in the previous page -

SD
17-3-22

NOTE—Contn. sheet.

Serial No.

18. On 31st January 1911 Kare Dodda, the Khatedar of Survey No.31, made a statement transferring absolutely his right in the said land to the Chennakesavaswamy temple at Belur, but before that date Mr. Krishna Singh, who was Amildar of Belur, had built some houses on the land. On 1st February 1911 Mr. Krishna Singh made a report transferring the buildings to the temple and offering to pay it Rs.24/- per annum as rent therefor which he wanted to be used for some service in the temple. On 22nd April 1913, Kare Dodda transferred the varg of the land to Mr. Lal Singh son of Mr.Krishna Singh

19. It was ordered on 30th June 1918 by the Deputy Commissioner that the properties might be leased to Mr. Krishna Singh for a period of ten years. He complains of the order and contends that his possession should not be disturbed and that the temple should be satisfied with Rs.24/- per annum.

20. Till now Mr. Krishna Singh has paid the fdlowing rent:-

Rs.6/- for 6 months from March to Aug. 1909 received in the Treasury on 3-9-1909
Rs.10/- for 10 months credited to the Treasury on 2-2-1911.
Mr.Krishnasingh has stated that he has reserved the amount due to the temple at Re.1/- per month ever since he left Belur and that he would pay it.

21. The questions that arise for decision are --

NOTE—Contn. sheet.

G. R. S. III-21

General and Revenue Secretariat.

Inward File No. 577 of 1920

Serial No.

(1) Whether the temple has acquired an absolute interest in the Survey Numbers. There is nothing to show that formal possession of the land was given to the temple or that there was a formal acceptance of the gift till 30th June 1918, when the Deputy Commissioner passed an order recognizing the title of the temple to the land. Nor is there registered deed of gift.

(2) Whether Mr. Krishna Singh or his son has acquired a title to the land or to the buildings unauthorizedly built ~~upon~~ by them?

(3) Whether they can be called upon to quit the land, removing the structures erected by them.

Re. 0-1-0 ?
R/18-3-22

Compliments to the Land Tribunal for favour of opinion.

Re. No 107/22-23
R/23-3-22

re. From the Statement given by Kare Dodda before the Amildar of the Belur Taluq on the 31st Jan 1911 it is clear that he made an absolute gift of his dry land S. No 31 in favour of the Temple

NOTE—Contn. sheet.

Serial No.

and as his title to that land is not disputed by Mr Krishna Iyer (but is actually admitted - vide his statement dated 1-2-21) the Temple has an absolute interest in the land.

24. The houses & buildings standing on the land have also been similarly gifted to the Sri Chennakesavaswamy Temple. From Mr Krishna Iyer's statement it is evident that the buildings were constructed by him in memory of his deceased daughter, out of moneys which had been given to or set apart for her and that then buildings have been gifted to the Temple. He has not, in that statement, made any reference to his desire to occupy the building permanently; and it is not, in my opinion, open to him to claim to continue in possession as a permanent lessee as a matter of right.

NOTE—Contn sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. of 19

Serial No.

28. The fact that there was no deed of gift in respect of this transaction does not matter. The Transfer of Property Regulation was not in force at that time and an oral gift is perfectly valid. In his Statement dated the 1st Feby 1911 he refers to a previous Communication which implies that the gift was anterior in date to his Statement.

26 Under these circumstances any loan to him is only a matter of concession and not a matter of any right vested in him.

27 I do not think that in this case the gift takes effect from the date on which the Dy Commr passed an order on the 30th June. The property vested in the Trustee on or before the 1st Feby 1911.

22/3/22. Lt Governor

Cmd. 1201
22/3/22

NOTE—Contn sheet.

G. R. S. III-2.

General and Revenue Secretariat. | Rev 2 File No. S-79 of 19 20

Serial No.

28. The appeal is liable to be dismissed: Second Member, 27/3.

S-116-295 / 28.3.22

29. The position may be made clear to the applicant in an Endorsement, copy of which may be sent up for approval.

Rev 27.3.22. Draft 31/3

S.T. 31/3

31. Draft endorsement is submd., with a memo forwarding copy of it to the Dy: Comr.

32. After approval of the draft Endt. a fair draft will be put up. Submd to the 2nd Member.

SD 3.4.22 BG 3/4/22 BG 4/4/22

Typed draft placed Hm SG

Put up- SD 7/4 BG 7/4/22

33. 2nd Member)

55-5-1-302 / 15.4.22

Draft & Typed Rev

Hm 8/4

SG Hm

NOTE—Contn. sheet.

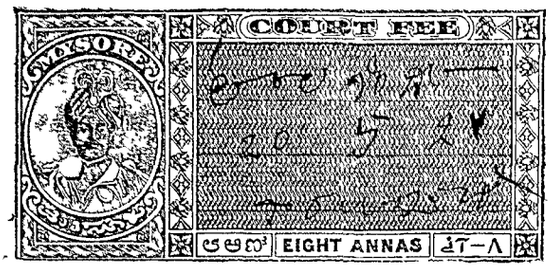
20. Mr. B. Krishna

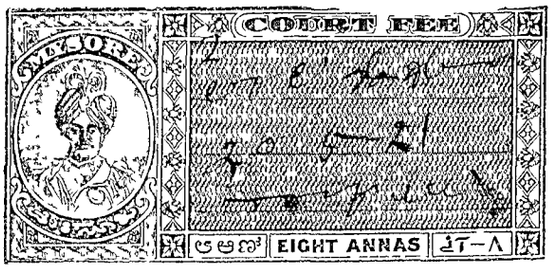
G. R. S. III-2

General and Revenue Secretariat. | File No. of 19 .

Serial No.	
	Information that can be given

NOTE—Contn. sheet.





To

2418

T. E. Jeyarama Iyer Esqr., B.A.,B.L.,

20 21 Secretary to Government, Muzrai Department,

Bangalore.

579-20

1

Sir,

That your petitioner Mr. B. Krishna Singh, Retired Amildar, residing now at Belur, Hassan District submits as follows :-

2. That this is an appeal against the order of the Hassan District Muzrai Officer No.452-18 dated 17th December 1920 communicated to the petitioner by the Belur Taluk Muzrai office on 11th April 1921. The original endorsement is herewith appended.

3. That about 12 years ago your petitioner's son Mr.B.K. Lall Singh purchased in the name of his servant Karedodda, Survey No.31 of Chikkabadjagere village situated on the banks of Yegachi river adjoining Belur Town. Thereupon your petitioner built a house at a large expense and excavated a well at a great cost. The house is known as "Bhadra Lodge" . That in the year 1910 your petitioner submitted a proposal to the District Muzrai Officer, Hassan District making an endowment of the said immovable property to Sri Chennakesavaraswami Temple on condition of binding himself to pay an annual rent of Rs.24/- to the said Muzrai Institution to be utilised for a "Seva", on the Hindu New Year's Day every year (Vide Belur Taluk Muz.No. 163 dated 1st February 1911).

4. That after some years the District Muzrai Officer passed an order directing that the property endowed by the petitioner to be given to him on a lease for a term of 10 years. In fixing the lease for a period of 10 years the Deputy Commissioner

Deputy Commissioner lays stress on Order No.517-25 /M.165-16-8 dated 29th August 1917, which is applicable more to lands than to buildings and houses. The wording of this order gives room for discretion since the word "ordinarily" is used. In exceptional cases such as houses, buildings and gardens time limit is not contemplated; because no substantial improvements can be undertaken under such circumstances. On this your petitioner gave a statement on 17th August 1920 before the Taluk Muzrai Officer to get that order modified by making the lease perpetual as in the case of several houses now in the possession of the said Muzrai Institutions. This request was strongly supported by the Taluk Muzrai Officer as well as by the Sub Divisional Officer who were fully acquainted with the facts and circumstances the case.

5. That there are at present 18 houses in Belur Taluk belonging to the Temple of Sri Chennakesavaswamy in the enjoyment of certain persons in perpetuity who pay the said Institutions land-rent annually besides Municipal tax to the Municipality. The petitioner respectfully prays for the same concession to be shown to him. He, the petitioner is paying at present Land Revenue for Survey No.31 Rs.3-8-0, Municipal tax for the house "Bhadra Lodge" Rs.6/- and is willing to pay the amount of annual lease to the temple Rs.24/-. In spite of all this is it fair, just and reasonable that one that has made an endowment as devotee on conditions stipulated in his request embodied in Belur Taluk Amildar's report No.M.163 dated 1st February 1911 to be ousted from the house after a lapse of 10 years on some unhealthy competition that may rise at that time?

6. That by the perusal of the list of immovable properties belonging to Sri Chennakesavaswami temple in Belur Taluk attached to this petition, you will find several numbers

*1-7-10-29
30-31-32-33
34-35-36-37
38-39-40-41.

shown in the margin marked in the list in Red Pencil, are houses in the enjoyment of its occupants in perpetuity who pay annual rent to the said Muzrai Institution, and the same subject to Land Revenue Rules.

7. There is also an instance, of Coffee Lands belonging to the said temple, in the Mudigere Taluk - Gammargode village in the enjoyment of of Mr. Sanderson, to whom it is given on a long lease of 99 years (Vide list attached - marked in Blue Pencil).

8. The petitioner respectfully prays, that, the Government will be pleased after the perusal of the records to grant him the concessions now enjoyed by the occupants of houses shown in the list mentioned in para 6, and thereby permitting him to live in peace in the house built by him on his own land by giving an annual rent of Rs.24/- to the Temple, subject to Land Revenue Rules.

9. For which act of justice, the petitioner shall ever remain grateful to the Government of His Highness the Maharaja of Mysore.

I begs to remain,
Sir,
Your most obedient petitioner

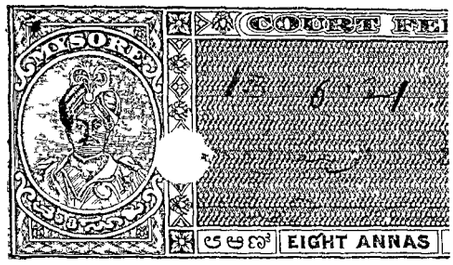
B Krishna Singh

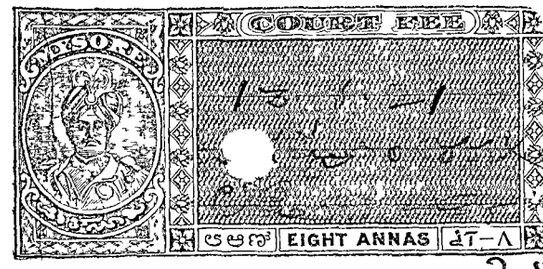
"Bhadra Lodge"
Belur,
Dated, 14-5- 1921.

4392

On Note 8 & 9-June 21
The Petition is returned being
insufficiently stamped
By order
[illegible]
Asst to Dist
Hassan Dist

Hongalur
7-6-21





2564

20-21

577-

Duly Stamped and
re-delivered
Bilva Bhushanaiah
13/6/21

By 9a.m. post
15/6/21.
Sd executive

Received
1/3/22

356 D/Belur
"Bhadra Lodge"
24.2.1922

To

J. G. Jayarama Iyer, Esq, B.A. B.L.
Secretary to Government of Mysore
Mungari Department
Bangalore

Sir,

It is nearly ten months ago, that is on 14th May 1921 I submitted a petition regarding the house in which I am living at Belur, for your kind consideration and reasonable orders, Subsequently during your recent official tour in Hassan District you personally visited Belur and verified the facts contained in my petition. I request you to treat me in the same manner as you have treated several others who are living in houses built on Temple lands in Belur. In this case I purchased the land and I built the house thereon being a devote of Keshava I propose to pay land assessment as well as house rent. I respectfully pray that you will be pleased to pass such and reasonable orders at an early date.

For which act of kindness
Shall ever remain greatful

I beg to remain
Sir,
Your most obedient Servant.

Krishna Iyengar
(Retired Amildar

G. R. S. VI.—6/7]

DRAFT.

SUBJECT.....

.....

.....

Section. Inungai
File No. 579-20
Serial No.

No. 76/Encl 3

Diary No. of letter replied to 2408

OFFICIAL MEMORANDUM.

GENERAL AND REVENUE SECRETARIAT,
(VU)
, *the* .....191 .

Date of issue 12-7-21

Signed by Mr. F. E. J. Lyall

The accompanying Petition Registered No. 2418 dated 14th June 1921 ~~191~~, received at the ~~General and Revenue~~ Inungai Secretariat from Mr. B. Krishna Singh, Bhadra Lodge, Belur, appealing against the order of the Dy Comr, Hassan Dt., limiting the term of the lease of a house endowed by him to the Sri Channakesava Swami Temple at Belur for a period of ten years is forwarded, together with its enclosures, to the Dy Comr, Hassan Dt. for submission of a report with the records connected with the case

By Order,

Secretary to Government.

Inungai Debt

P.T.O.

7/7/21 7-7-21

ಅರ್ಜಿದಾರ್... ..... ತಾಲ್ಲೂಕು

.... ಹೋಬಳಿ

.. .. ಗ್ರಾಮದಲ್ಲಿರುವ

....ಗೆ.

ಇಂಡಾರ್ಸ್ಮೆಂಟು.

ನಂಬರು.....

... .

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....

ವಿಷಯದಲ್ಲಿ ನೀವು ಗುಜರಾಯಿಸಿಕ್ಕೊಂಡ. . .....

ಮುಕ್ತುಮಿನ. ಅರ್ಜಿಯನ್ನು..... . ... ಬಗ್ಗೆ

....ರವರ ಬಳಿಗೆ ಕಳುಹಿಸಿದೆ

By Order,

Secretary to Government.

List of enclosures

Copied by..... .. ...

Examined by..... ....

WD 1255—GPB—5,000—21-1-19

G. R. S. VI.—G/9]

DRAFT.

SUBJECT.....

.....

.....

Section.
File No.
Serial No.

Diary No. of letter replied to.....

No. 57

ENDORSEMENT.

GENERAL AND REVENUE SECRETARIAT

( )

, the.....*191* .

Granted to Rao B. Krishna Singh, Bhadra Lodge, Belur, appearing for

Date of issue 12-7-21

Signed by [illegible]

In reply to his petition dated 16th May 1921 appealing against the order of the Dy. Commr. limiting the term of the lease of a house endorsed by him to the Sri Chennakesava Swamy temple at Belur for a period of ten years, Rao Krishna Singh is informed that his application has been forwarded to the Dy. Commr., Hassan for report

By Order,

Secretary to Government

12/7/21

List of enclosures.

Copied by..... ....

Examined by..... .. ..

WD 02180– GPB—2,000—27-4-16.

10-21 see ora file
Dec.

From

B.V. [illegible], Esquire, I.A.S.,

Deputy Commissioner,

Nanded Division.

2777
21 22
Dues
579-20
5

S I
12/11/72

To

C.L. Jayawardhar, Esquire, M.A., B.L.,

Secretary to the Govt. of Maharashtra,

the Revenue of Mantralaya, Annexe Building,

Bombay.

Sir,

With reference to your office Memorandum No. 3/Misc. 579-70-4 dated 19th July 1972 on the above subject in regard to the petition of Mr. B.Krishna Singh, B.E. [illegible], against this office order directing the [illegible] house endowed by him to the pra Charitable Trust, Belur for a period of ten years, I have [illegible] as follows:-

1. The appellant while [illegible] applied in his report No. 115 dated 3[illegible] to correct house tax [illegible] the khata of which [illegible] further reported that [illegible] Mr. Krishnamurthy, [illegible] khatadar was directed [illegible] Mr. Kuppuswamy has in his [illegible] absolutely transferred [illegible] his No. 163 dated 1st [illegible] certain tiled houses [illegible] on Ugadi day may be [illegible] buildings in commemoration [illegible] right that whose expense the buildings [illegible]

Constructed

19

From,.

To

Dated

Despatched

Received

General No.

No.

Enclosure No.

Constructed
~~erected~~. In the said report he described the boundaries of the buildings to the temple. The appellant was not entitled to the temple funds the rent of the said building for certain years. Subsequently in the year 1913 the appellant's vendor Mr. [illegible] transfer of the land in dispute from Kare Doda and Mr. Krishna Singh ~~did not~~ demurred to certain matters with the buildings being erected.

3. My predecessor Mr. C.Venkata Rao on or about 4th April 1918 set aside the Khatedar of S.No. 31 of Chikkaby & proceedings and absolutely transferred the land to the temple on 31st January 1911 the subsequent transfer of the said land by Kare Doda to one Lal Singh was void. He further ordered that the temple should be served with a notice that if he was not willing to remove the buildings said to be subsequently built by him he was at liberty to take away the building materials. Subsequently on the recommendationof the Sub Division Officer, of Srikakulam, Venkata Rao ordered that the Khata of the land should be transferred to the name of the temple, that the proceeds realised on the cultivation of a portion of the said land in the years 1913-14, 1914-1915 and 1915-16 should be recovered and credited and that the buildings be leased out for ten years to appellant on a yearly rental of Rs. 24/-.

4. On a subsequent representation of the appellant, I have considered that I cannot interfere with the orders of my predecessor.

5. In para 3 of the appeal petition the appellant says that one son purchased the land from Kare Doda about 15 years back, but Kare Doda had no right to transfer the land which had been endowed to the temple previously. The appellant had erected the house before obtaining permission and he is responsible for the loss he may sustain thereby.

6. Government Order No. 517-31/Rev. 115-16-3 dated 30th April 1917 clearly lays down that no leases should ordinarily be granted for more than 5 years at a time. As a matter of concession the appellant was granted a further period of 3 years. In para 6 and 7 of the appeal petition, the appellant says that other lands

lands belonging to the temple have been granted on quit rent-
-ems on perpetual lease. No such instance has come to notice
till now and if there should be any attempt to enhance the
rate the lessee has per Government Order No. 547-61/1922. I.S-10-
dated 30th August 1917.

7. Lastly, it may be stated that the temple committee had no power
to transfer the building to the temple and moreover had not to
enjoy the land transferred to the temple per Sale Deed. In several
petitions he has stated that he obtained permission of the Tahsildar
the then Deputy Commissioner to erect the house and the latter upon
to produce the order he was not able to do so till now. All
his attempts have become futile and is now praying for a perpetual lease.

8. The several petition together with their cover accompany.

I have the honor to be,

Sir,

Your most obedient servant,

P Suryanarayana Setty
Treasury Assistant Grade I.

For Deputy Commissioner,
(Assistant Commissioner)

8-20-4-22

To

M-7579-20

Mr. B. Krishnasingh,
Retired Amildar, "Bhadra Lodge."
B e l u r.

With reference to his petitions dated 14th May 1921 and 24th February 1922 praying for a permanent lease to him of the house constructed on S.No.31 of Chikkapyda-gere village, Belur Taluk, the Khate of which stood formerly in the name of Kare Dodda, Mr. B. Krishnasingh is informed that as the land in question has been gifted to the temple of Sri Chennakesavaswami at Belur and Kare Dodda's title to it has been admitted by him, the temple has an absolute interest in the same.

2. The houses or buildings standing on the land have also been similarly gifted to the above temple by the appellant, who has not made any reference to his desire to occupy the building permanently. It is not, therefore, open to him to claim to continue in possession as a permanent lessee as a matter of right.

3. In these circumstances, the appellant is informed that the order of the Deputy Commissioner leasing out the house to him for a period of 10 years is itself a concession and Government do not see their way to show him any further concession in the matter.

Recd 17.4.22

By order,

Secretary to Government.

Fair draft)

Memo No. 5848 Genefile 8.20-4-22
ಜಾಪ: 559-206

Copy forwarded to the Deputy Commissioner, Hassan District, for information with reference to the correspondence ending with his letter No.10-21/P.C. dated 10-1-22. The ver.records are returned.

By order,

Secretary to Govt.,
Muz. Deptt.
(In charge)

7/4/22